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May 10, 2005

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Federal Communications Commission
Office of Secretary

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Marlene H. Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002
Attn: Audio Division, Media Bureau

Re: Amendment of Section 73.202(b),
Table of Allotments, FM Broadcast Stations
(San Luis Obispo and Lost Hills, California
and Maricopa, California)
MB Docket No. 05-88; RM-11173; RM-11177

Dear Ms. Dortch:

Transmitted herewith on behalf of GTM San Luis Obispo, are an original and four copies of a "Motion to Dismiss" filed in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP

Attorneys for
GTM San Luis Obispo

By: 
Andrew S. Kersting

Enclosure

cc: Certificate of Service (w/ encl.) (by hand & first-class mail)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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MAY 10 2005

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-88
Table of Allotments,)	RM-11173
FM Broadcast Stations)	RM-11177
(San Luis Obispo and Lost Hills, California and)	
Maricopa, California)		

To: Office of the Secretary
 Attn: Assistant Chief, Audio Division
 Media Bureau

MOTION TO DISMISS

GTM San Luis Obispo ("GTM"), licensee of radio station KLRM(FM), San Luis Obispo, California, acting pursuant to Section 1.41 of the Commission's rules, 47 C.F.R. §1.41, hereby moves to dismiss the proposal filed by 105 Mountain Air, Inc. ("Mountain Air") in the above-captioned proceeding requesting the allotment of Channel 245A at Maricopa, California, as that community's second local service.

In the Commission's *Notice of Proposed Rule Making*, DA 05-577 (Aud. Div., March 4, 2005) ("*NPRM*"), the Audio Division stated that it had received two mutually exclusive Petitions for Rule Making. The first proposal, filed by GTM, proposed the substitution of Channel 245B1 for channel 246B1 at San Luis Obispo, California, the reallocation of Channel 245B1 from San Luis Obispo to Lost Hills as that community's second local service, and modification of the KLRM license. The second proposal, filed by Mountain Air, requested the allotment of Channel 245A at Maricopa, California, as its second local service. Both petitioners stated that they intended to apply for the requested channels if they were allotted.

Mountain Air, however, did not file comments by the April 25, 2005 comment deadline in this proceeding. It is well established that the Commission will not allot any channel in the absence of a continuing expression of interest in the allotment proposal. *Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma*, 20 FCC Rcd 5761, ¶5 (2005), citing, *inter alia*, *Santa Isabel, Puerto Rico and Christiansted, Virgin Islands*, 3 FCC Rcd 2336 (1988); *Oakdale and Campti, Louisiana*, 7 FCC Rcd 7600 (MMB 1992). Therefore, Mountain Air's proposal should be promptly dismissed.

WHEREFORE, in light of the foregoing, GTM respectfully requests that the Commission issue a Report and Order that (1) amends the FM Table of Allotments by substituting Channel 245B1 for Channel 246B1 at San Luis Obispo, California, (2) reallots Channel 245B1 from San Luis Obispo to Lost Hills, California, and (3) modifies the license for KLRM to specify Lost Hills as its community of license.

Respectfully submitted,

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By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2005, a copy of the foregoing "Motion to Dismiss" was mailed first-class to the following:

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